

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101
Prepared by: Annie Feng, Planner II

SUBJECT: Quasi Judicial Hearing: Variance
V 5-3-03, Central Broward Water Control District, 8020 Stirling Road, Generally located on the south side of Stirling Road and approximately 300 feet east of University Drive

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM:

The petitioner requests a variance **FROM:** Section 12-83 of the Town of Davie Land Development Code that requires a minimum side setback of 25 feet for buildings in the Community Facility (CF) District
TO: Reduce the east side setback to 5 feet.

REPORT IN BRIEF:

The property is located in the Community Facilities District (CF), which requires a 25-foot side setback for main structures. It is used as headquarter of the Central Broward County Water Control District. The subject site is 150 feet wide, 1113 feet long, and 3.83 acres in area. The long and narrow property contains an approximately 60 feet wide canal on the west side of the property, and two existing metal office buildings. The buildable area left from the retaining wall of the canal to the east property line is only 70 feet wide. A minimum of a 20-foot setback is required for the structure to the top of the bank of the water for the canal maintenance. The applicant is proposing an office building to replace the metal building in the front. The width of the property and the presence of the canal create the hardship to meet the 25 feet east side setback for the placement of the building.

The property is adjacent to residential development to the east. There is a 15-foot right-of-way between the east property line and the single-family development (Silverado) to the east. A continuous hedge with canopy trees will be required along the east property line at the time of site plan approval. The 15-foot right-of-way and landscaping buffers will provide reasonable buffer and minimize the impact of the variance to the single-family homes.

PREVIOUS ACTIONS: None

CONCURRENCES: At the June 11, 2003 Planning and Zoning Board meeting, Ms. Lee made a motion, seconded by Mr. McLaughlin, to approve (Motion carried 5-0).

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds that the subject application complete and suitable for transmittal to the Town Council for further consideration.

Attachment(s): Planning Report, Justification letter, Land use map, Subject site and Aerial map.

Application #: V 5-3-03

Revisions: 6/17/03

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation

Application Information

Owner/Petitioner:**Name:** Central Broward Water Control District**Address:** 8020 Stirling Road**City:** Davie, FL 33024**Phone:** (954) 432-5110

Background Information

Date of Notification: June 4, 2003 **Number of Notifications:** 238 (Noticed at 1,000 feet)**Application History:** No deferrals have been requested.**Application Request:** A variance **FROM:** Section 12-83 of the Town of Davie Land Development Code that requires a minimum side setback of 25 feet for buildings in the Community Facility (CF) District **TO:** Reduce the east side setback to 5 feet.**Address/Location:** 8020 Stirling Road, Generally located on the south side of Stirling Road and approximately 300 feet east of University Drive**Future Land Use Plan Designation:** Commercial**Zoning:** CF (Community Facilities)**Existing Use:** Office buildings**Proposed Use:** Office buildings**Parcel Size:** 3.833 Acres (166,993 square feet)

	<u>Surrounding Uses:</u>
North:	Stirling Road, Vacant
South:	Vacant
East:	Single Family Homes (Silverado)
West:	Canal, Vacant

Surrounding Zoning:

North:	CC, Commerce Center District
South:	A-1, Agricultural District
East:	A-1, Agricultural District

<u>Surrounding Land</u>
<u>Use Plan Designation:</u>
Commerce/Office
Commercial
Residential (5DU/AC)
Commercial

Zoning History

Previous Request on same property:

On May 18, 1988, the Town Council approved a variance (V 5-4-88) to reduce the east side setback of 25 feet required by the Town of Davie Land Development Code to five (5) feet.

The site plan (SP 4-3-88) for an additional office building on the subject site was approved in June 1988.

Application Details

The subject site is used as headquarter of the Central Broward County Water Control District. It has a 150-foot frontage on Stirling Road and is surrounded by single family homes to the east, and vacant parcels to the south and west. The long and narrow property contains a canal on the west side of the property and two existing metal office buildings.

The property is located in the Community Facilities District, which requires a 25-foot side setback for main structures. In 1988, a variance (V 5-4-88) was approved to reduce the east side setback from 25 feet to five (5) feet for the addition of a metal building. The two existing metal buildings are approximately 9.8 feet from the east property line. The applicant is requesting a variance for a five (5) feet east side setback to replace the metal building at the front with a permanent office building.

Applicable Codes and Ordinances

1. Section 12-83 of the Town of Davie Land Development Code requires a minimum side setback of 25 feet for buildings in the Community Facility (CF) District.
 2. Section 12-309, Review for variance.
-

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 11. This Planning Area is bound by Stirling Road on the north, Davie Road Extension on the southeast, and University Drive on the west. The area is characterized by multi-family residential development on the south side of Stirling Road, ranging from 8 to 16 dwellings per acre. There is one single family residential subdivision developed at five dwellings per acre.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 102.

Applicable Goals, Objectives and Policies:

Policy 13-3: The Community Facilities category shall provide for the development of a wide range of activity centers necessary to satisfy the demands of the existing and future Town populations.

Staff Analysis

The subject site is 150 feet wide, 1113 feet long, and 3.83 acres in area. The long and narrow property contains an approximately 60 feet wide canal on the west side of the property. The buildable area left from the retaining wall of the canal to the east property line is only 70 feet wide. A minimum of 20 feet setback is required for the structure to the top of the bank of the water for the canal maintenance. Within that setback, a 19'8" driveway is provided to access to the metal building in the back. The applicant is proposing a 35 feet by 145 feet office building to replace the metal building in the front. The width of the property and the presence of the canal create the hardship to meet the 25-foot east side setback for the placement of the building.

The property is adjacent to residential development to the east. There is a 15-foot right-of-way between the east property line and the single-family development (Silverado) to the east. A continuous hedge with canopy trees will be required along the east property line at the time of site plan approval. The 15-foot right-of-way and landscaping buffers will provide reasonable buffer and minimize the impact of the variance to the single-family homes.

Finding of Facts

Variances:

Section 12-309(B)(1):

The following findings of facts apply to the variance request.

(a) There is a special circumstance or condition applying to the land or building for which the variance is sought, which circumstance or condition is peculiar to such land or building and does not apply generally to land or building in the same district, and that said circumstance or condition is such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought. The alleged hardship is not self-created by persons having an interest in the property.

The subject site is only 150 feet in width and contains a 60 feet wide canal on the west side of the property. The buildable area is only 70 feet from the retaining wall of the canal to the east property line. The dimension of the lot and the canal create hardship for the placement of an office building of reasonable size (35 feet by 145 feet). The variance is necessary for the reasonable design of the site. The hardship is not self-created.

(b) Granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose.

Granting of the variance will allow the applicant to reasonable design of the site by replacing a metal building with a permanent office building to meet the District needs. The five (5) feet setback will allow

the site to accommodate a 35 feet wide building with a 20 feet driveway at the west side of the building. The requested variance is the minimum variance for the reasonable use of the land and the building.

(c) Granting of the requested variances will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The subject site is surrounded by Stirling Road to the north, and vacant parcels to the south and west. There is a 15-foot right-of-way between the east property line and the single-family development (Silverado) to the east. A continuous hedge with canopy trees will be required along the east property line at the time of site plan approval. The 15-foot right-of-way and landscaping buffers will provide reasonable buffer and minimize the impact of the variance to the single-family homes. Granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and the Town Council for further consideration.

Planning & Zoning Board Recommendation

At the June 11, 2003 Planning and Zoning Board meeting, Ms. Lee made a motion, seconded by Mr. McLaughlin, to approve (Motion carried 5-0).

Town Council Actions

Exhibits

Justification letter, Site Survey, Subject Site Map, Land Use Map and Aerial

Prepared by: _____

Reviewed by: _____

JOHN C. RAYSON
ALSO ADMITTED IN ILLINOIS

LAW OFFICES OF
John C. Rayson
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LELAND H. RAYSON
1921 - 2001

RECEIVED

MAY 27 2003

TOWN OF DAVIE
PLANNING & ZONING DIV

May 23, 2003

Town of Davie
Planning and Zoning Division
Development Services Department
ATTN.: Joan Tuliszewski

RE: Justification letter for request of variance from 25 foot side setback requirement.
8020 Stirling Rd., Hollywood (Davie), FL

Dear Ms. Tuliszewski:

The undersigned is district attorney for the Central Broward Water Control District. In that capacity, I have executed a zoning variance application and have signed as petitioner and authorized agent of the owner which is a political subdivision of the State of Florida. Please consider this as a justification letter for the variance.

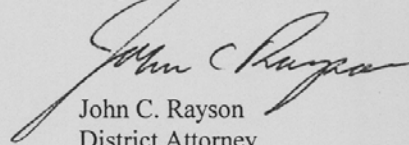
1. There are special circumstances which affect petitioner's land. This land is the location of the present headquarters of the Central Broward Water Control District. The current metal building is at the end of its useful life and is inadequate to serve the growing needs of the District. The land on which the building stands is approximately 4 acres and is uniquely shaped. The land is long but exceedingly narrow. Previously, in 1988, the District was granted a variance from the Town of Davie's 25-foot side setback requirement to 5 feet on the east side. On the west side of the property, there is a canal. To the east, there is an apartment complex. Due to the unique shape of the property, the hardship caused thereby, and the need to replace the current district headquarter's building, the District respectfully requests that it be granted a variance to allow for a 5 foot side yard set back on the east side of the property. Without a variance, the district would be deprived of the reasonable use of the land and building for which the variance is sought.
2. Petitioner is seeking the minimum variance necessary for the reasonable use of its land and proposed new District headquarters building. A 5 foot east side yard setback will allow for the new building and will be consistent with the setback

and use that has been in place since 1988.

3. This request is in harmony with Chapter 12 of the Town of Davie Land Development Code. The property is zoned CF for community facility. The District is a political subdivision of the State of Florida and provides needed services such as flood control, drainage and canal maintenance in the Town of Davie and in several other municipalities in west central Broward County. A granting of the request will not be injurious to the surrounding neighborhood, nor will it be detrimental to the public welfare. The new district headquarters is designed to fulfill the needs of the District well into the future and will comply fully with all codes and ordinances.

For the foregoing reasons, Petitioner, Central Broward Water Control District, requests that its petition for an east side set back variance from 25 feet to 5 feet be granted.

Respectfully submitted,



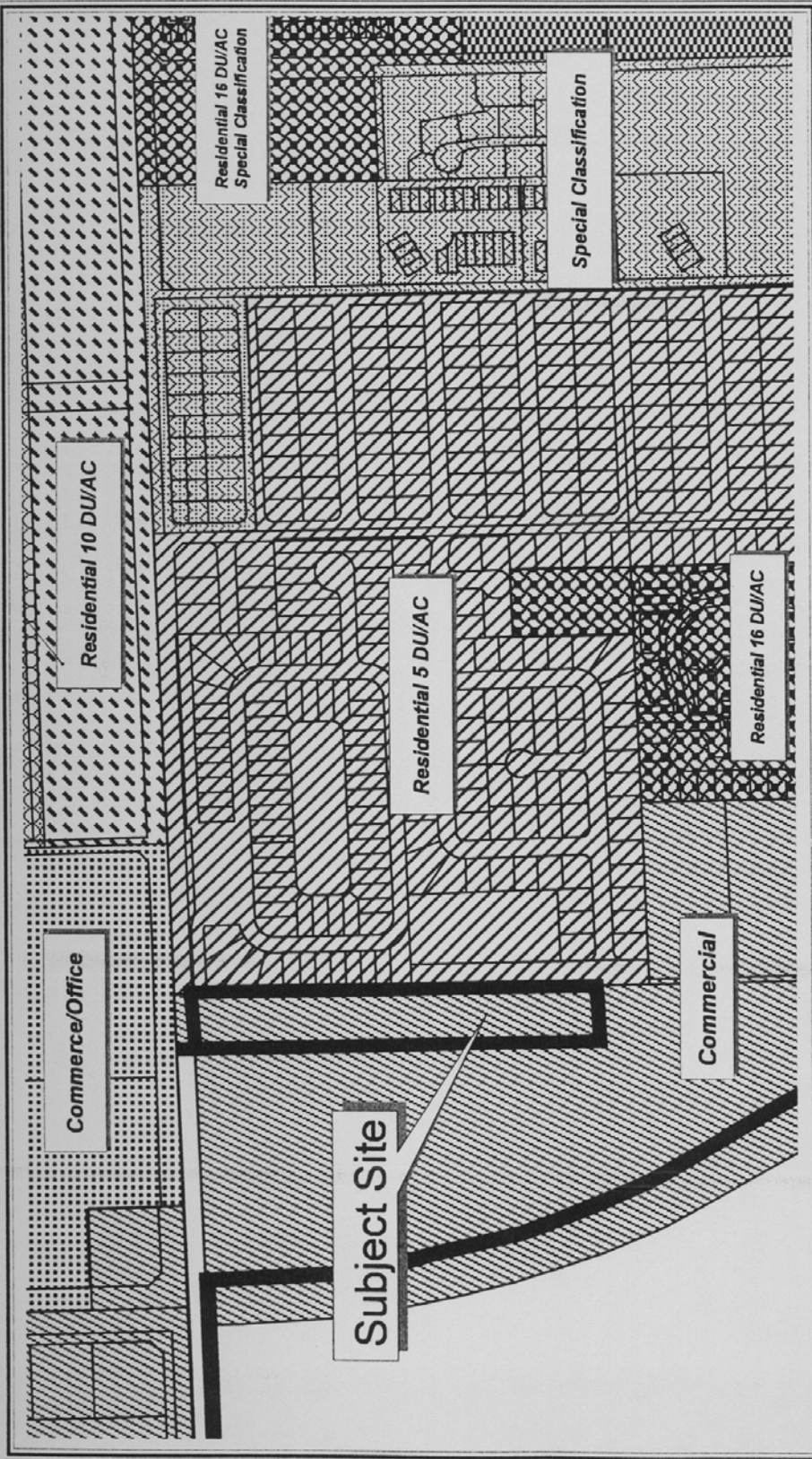
John C. Rayson
District Attorney
Central Broward Water Control District

JCR/kr

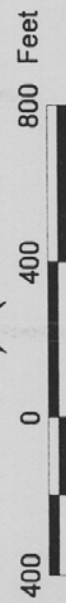
RECEIVED

MAY 27 2003

TOWN OF DAVIE
PLANNING & ZONING DEPT.



Date Flown:
12/31/00

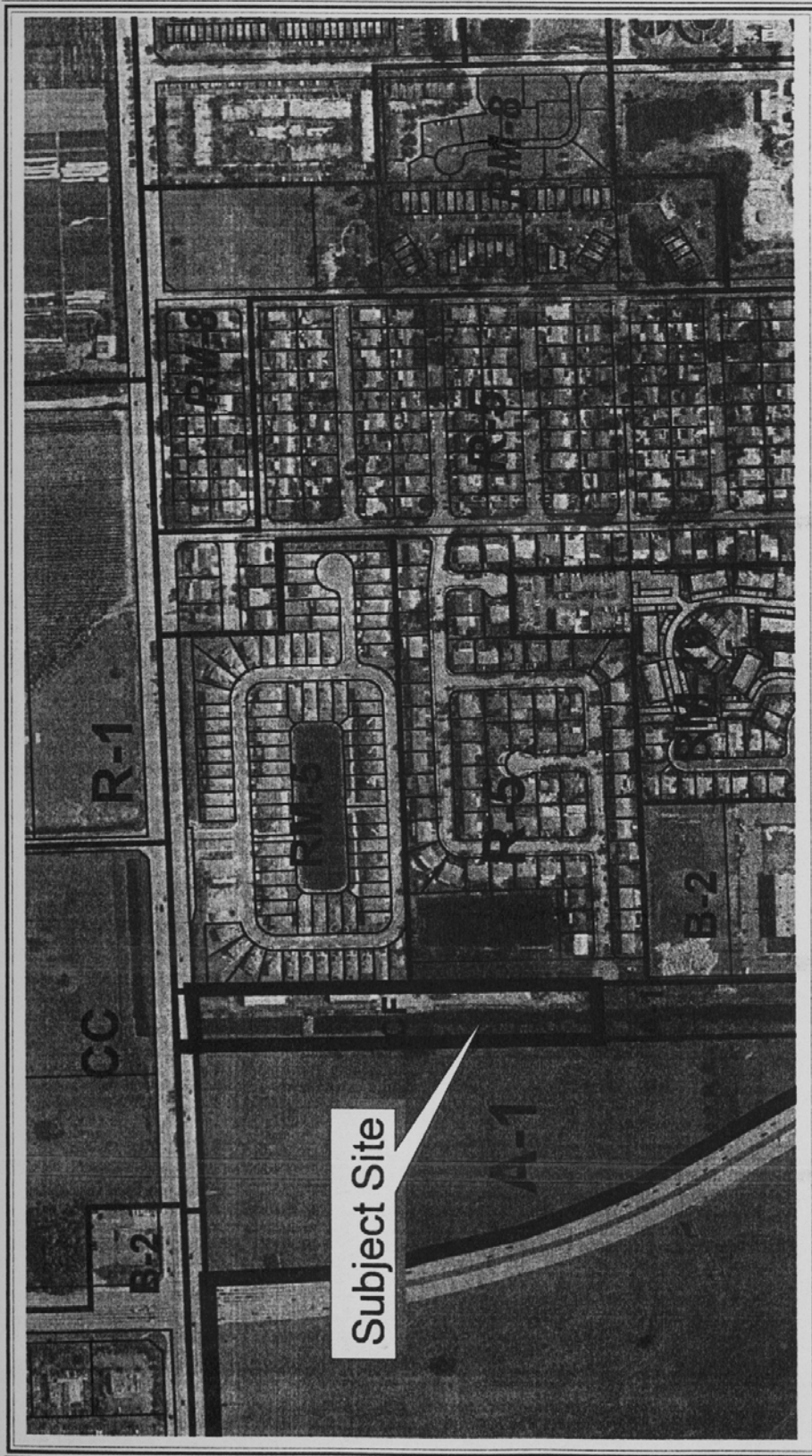


Planning & Zoning Division - GIS



Variance V 5-3-03 Future Land Use Map

Prepared By: AF
Date Prepared: 5/29/03



Date Flown:
12/31/00



400 0 400 800 Feet

Planning & Zoning Division - GIS



Variance V 5-3-03 Zoning and Aerial Map

Prepared By: AF
Date Prepared: 5/29/03